

Late Report

Ordinary Meeting

Item 7.4.1

MCU for Outdoor Recreation (Water Ski Park and Ancillary Caretaker's Residence and Training and Recovery Facility) – 60 Junction Drive, Coolum Beach – MCU 12/0033

Thursday 28 June 2012

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7.4.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (OUTDOOR RECREATION) - WATER SKI PARK WITH ANCILLARY TRAINING AND RECOVERY FACILITY AND A CARETAKER'S RESIDENCE AT 60 JUNCTION DRIVE, COOLUM BEACH

File No: **MCU12/0033**
 Author/Presenter: **Senior Planner, Planning Assessment**
 Appendices: **Appendix A - Conditions of Approval (Late Report Pg 28)**
 Attachments: **[Att 1 - Proposal Plans](#)** (OM Late Att Pg 3)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

| SUMMARY SHEET | |
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| APPLICATION DETAILS | |
| Applicant: | Oz Ski Resort Pty Ltd As Trustee For The Habermann Trust |
| Proposal | Development Permit for Material Change of Use of Premises (Outdoor Recreation) - water ski park with ancillary training and recovery facility and a caretaker's residence |
| Properly Made Date: | 14/03/2012 |
| Information Request Date: | 23/03/2012 |
| Information Response Received Date: | 29/03/2012 |
| Decision Due Date | 19/06/2012 |
| Number of Submissions: | 337 – 319 in support and 18 opposed |
| PROPERTY DETAILS | |
| Division: | 9 |
| Property Address: | 60 Junction Drive, Coolum Beach, 4573 |
| RP Description: | Lot 5 SP 118756 Por 362 |
| Land Area: | 32.62 ha |
| Existing Use of Land: | Quanda Park Water Resource (lake) |
| STATUTORY DETAILS | |
| SEQRP Designation: | Urban |
| Planning Scheme | Maroochy Plan 2000 (8 August 2011) |
| Strategic Plan Designation: | Extractive Industry |
| Planning Area / Locality: | No 12 - South Peregian |
| Planning Precinct / Zone: | No 4 – Coolum Road Industrial (Core Industry) |
| Assessment Type: | Impact |

PURPOSE

The purpose of this report is to seek council's determination of an application for Outdoor Recreation (Water Ski Park) at the Quanda Park Water Resource. The application is before council at the request of the divisional councillor.

EXECUTIVE SUMMARY

The application seeks a Development Permit for Material Change of Use (Outdoor Recreation) to establish a water ski park at Quanda Lake located at 60 Junction Drive, Coolum Beach. While the development site is located in a Core Industry precinct, it does not form part of the Quanda Road Industrial Estate and is designated as a '*Mineral and Extractive Resources Area*'. The extractive resource use (sand mining) has ceased operation and the site is no longer suitable for that purpose. The Quanda Park Water Resource was dedicated to council for 'park' purposes. On 3 August 2011, council entered into an agreement to lease the site to Oz Ski (the successful bidder, following tenders, for the use of the Quanda Park Water Resource) to establish a water ski park, subject to obtaining the necessary planning approvals.

An impact assessable application was lodged on 13 March 2012. It was assessed against the Regional Plan, State Planning Policies, the Strategic Plan, Local Area Provisions and the relevant Maroochy Plan 2000 codes. The proposal can be conditioned to mitigate impacts and comply with the relevant performance criteria. The ski park would provide public access to the lake, the clubhouse, amenities, pontoon, viewing areas, picnic shelters, parking and footpaths from 6.30 a.m. to 7 p.m. 7 days a week. Removable relocatable buildings would ensure that the future use of the site for other purposes is not precluded if the lease is not renewed.

The application was publically advertised for 30 days. Of 337 properly made submissions received, 319 supported the proposal and 18 objected to it. The application is recommended for approval. Sufficient grounds have been identified to approve the proposal despite potential conflict with the core industry precinct designation.

OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS** Application No. MCU12/0033 and grant a Development Permit for a Material Change of Use of Premises (Outdoor Recreation - Water Ski Park) and Ancillary Caretaker's Residence and Training and Recovery Facility situated at 60 Junction Drive, Coolum Beach, in accordance with Appendix A; and
- (b) find the following are sufficient grounds, pursuant to Section 326 of *Sustainable Planning Act 2009*, to justify the decision despite the conflict with the Planning Scheme:
 1. the site, which contains a man-made lake and has been dedicated to council for park or other purposes, is no longer required for extractive industry;
 2. a water ski park is an appropriate outdoor recreational use for a lake, which separates an industrial estate from the Arcoona Road Bushland Conservation reserve;

3. a water ski park, capable of hosting local, national and international ski events, would strengthen Council's tourism profile and benefit local businesses including accommodation providers, restaurants and retailers;
4. the ski park would be open to the public and could accommodate other clubs/associations, school groups, youth, seniors and people with disabilities;
5. the impacts of the proposal can be mitigated to an acceptable level and the lake's water quality maintained in accordance with a Lake Risk Management Plan.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure. Council's Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development.

| Stage | Development Contribution |
|--------------|--------------------------|
| Stage 1 | \$14,350 |
| Stage 2 | \$46,660 |
| Stage 3 | \$35,110 |
| Total | \$96,120 |

PROPOSAL

The application seeks approval for a Development Permit for a Material Change of Use for (Outdoor Recreation) to establish a water ski park with an ancillary training and recovery facility, and a caretaker's residence, on land situated at 60 Junction Drive, Coolum Beach, described as Lot 5 SP118756. The ski park would be a multi-purpose training academy/ski club venue developed in stages. Most of the facility would be open to the general public for recreation use.

The peninsular, viewing area, clubhouse (including toilets, balcony, seating and water fountain), public shelter, BBQ, and footpath network would all be available to the general public. The applicant contends that public consultation identified a desire to preserve the natural features of the peninsular by keeping it free from structures. As a result, buildings and structures would be limited to the site's entrance (refer to the proposal plans at Attachment 1), while an informal grassed spectator area would be provided at the end of the peninsular.

The applicant proposes that the site remains open to the public during daylight hours. The site will be secured overnight to protect infrastructure. A wide range of local community groups could utilise the facility for training purposes. Access arrangements would be managed by Oz Ski. Likewise, access to the lake itself would be provided to other organisations within the community in consultation with Oz Ski.

The proposed ski park would be designed to cater for both professional and hobby/novice skiers and would be developed in 3 stages. The ski run in the area south of the grassed spectator area would be utilised by the hobby/novice skier, while the area to the north is a more complex run which would be designed for the professional skier. The runs would be operated by sanctioned, purpose built, low noise ski boats, with all other ski crafts prohibited on the lake. Proposed operating hours would be 6.30 a.m. to 5.30 p.m. 7 days a week. 3-5

staff would operate the facility. The applicant would reside on the site and undertake a management and caretaker role.

The site achieves access from Junction Drive. A sealed 15 space car parking area is proposed. There is area for informal car parking for up to 50 cars. The site can achieve connection to existing sewer and water, as well as telecommunication and electrical reticulation.

No land clearing is proposed. Supplementary landscaping for aesthetic and buffering purposes would improve the amenity of the area and provide visual separation from the industrial estate. Waste will be stored in a screened refuse area at the entry to the site. The site would be secured with a lockable gate restricting access outside hours in which the public could reasonably be expected to access the site between 6.30 a.m. to 7 p.m.

The following table outlines the proposed staging of the development.

| | |
|---------|---|
| Stage 1 | <ul style="list-style-type: none"> • Car park and entry • Portable office to serve as temporary clubhouse • Portable toilets • Boat ramp and pontoon • Public shelter/viewing platform |
| Stage 2 | <ul style="list-style-type: none"> • 87m² clubhouse • 252m² storage shed (temporary caretaker's residence) |
| Stage 3 | <ul style="list-style-type: none"> • 171m² training and recovery facility • 144m² caretaker's residence |

All buildings, except the storage shed, would be elevated on piers and be relocatable, so that they could be relocated from the site in the event the lease is not renewed or the venture is unsuccessful.

The 252m² 2 storey storage shed is comprised of boat equipment storage on the ground floor and a small residence (interim caretaker's residence) on the upper floor. The upper floor would be converted to storage once the caretaker's residence is constructed.

The 87m² clubhouse is a single storey building, which includes kitchen facilities, office area, storeroom, lounge area and a small indoor and outdoor eating area. The clubhouse would be open to all visitors to the facility.

The 171m² ancillary training and recovery facility would provide supplementary training and associated recuperation/recovery (i.e. massage and strapping before and after training, performance theory and analysis) to athletes who visit the facility for intensive training programs. The use of the facility would be limited to skiers undertaking intensive professional training over days or weeks or competing at the facility. It would not be open to the public, particularly not for accommodation purposes. The facility would be located near the lake, away from adjoining industrial properties to minimise noise amenity issues.

The 144m² caretaker's residence would provide accommodation for the operators of the facility. The residence features 2 large deck areas to allow surveillance of the facility.

SITE DETAILS



Background/Site History

The Quanda Park Water Resource is a constructed water body owned by council, located on the western edge of the Quanda Road Industrial Estate off Junction Drive accessed from Quanda Road. The Quanda Park Water Resource site, described as Lot 5 SP118756, was transferred to council for park or other purposes as determined by council as a result of a long standing condition of a previous rezoning approval and Court order following the cessation of a sand extraction industry on the property.

On 8 April 2009, the land transfer was registered in the Titles Office with council as trustee. The transfer document states *“The land shall be held upon trust for the purpose of park purposes or such other local government purposes as may be determined from time to time. The trustee shall have the power of sale, conveyance or transfer of all or part of the land.”*

Since that time, council via resolution has been negotiating for the use of the land through an Expressions of Interest process. The lease document contains many aspects relating to the management of the site and public access. These need to be separately regarded as they do not form part of this planning application process.

On 21 March 2012, the applicant lodged an application for a development permit for a Material Change of Use - Outdoor Recreation.

On 28 March 2012, the development application was advertised for public submissions. Public notification closed on 15 May 2012. A total 379 submissions were received, of which 337 were properly made and 42 were not properly made. Of the 337 properly made submissions, 319 supported the application and 18 submissions objected to it.

Site Description

The Quanda Park Water Resource is situated at 60 Junction Drive, Coolum Beach, at the western end of the Quanda Road Industrial Estate. The 32.62ha council owned site is described as Lot 5 SP118756. It achieves access from Junction Drive through the industrial estate. The Maroochy Plan 2000 identifies the site as a *mineral and extractive resource area*, as it was previously a sand mining operation. The lot is comprised almost entirely of a man-made lake (Quanda Lake) with a small parcel of vegetation along the western and southern boundary. There is a cleared area at the site entrance and along the spit, which protrudes into the lake dividing it into 2 water bodies. No buildings or structures currently exist on site.

Surrounding Land Uses

The developing Quanda Road Industrial Park is located to the north and east of the site. The densely vegetated Arcoona Road Bushland Conservation Reserve is located to the south and west of the site. The Northern Coastal Lowlands precinct is located to the west of the site. Although this land is designated as 'general rural', it contains a number of rural residential type lots along Arcoona Road approximately 1km to the west.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions;
- any Structure Plan or Master Plan in place for declared areas;
- any Preliminary Approval Overriding the Planning Scheme for the land;
- the Planning Scheme for the local government area; and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Other Matters for Consideration

Other matters for consideration include:

- Economic Implications; and
- Traffic and Transport.

To the extent these matters are not already addressed in provisions of the statutory planning instruments mentioned above, they are discussed separately in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/92 Development and the Conservation of Agricultural Land;
- State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils;
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide;
- State Planning Policy 2/07 Protection of Extractive Resources;
- State Planning Policy 5/10 Air, Noise and Hazardous Materials; and
- State Planning Policy 3/11 Coastal Protection.

Of these, State Planning Policy 1/92, State Planning Policy 2/02, State Planning Policy 1/03 and State Planning Policy 2/07 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in Council's planning scheme and, therefore, do not warrant a separate assessment.

- State Planning Policy 2/07 Protection of Extractive Resources

The sand mining operation has ceased on the site and it is no longer required for extractive industry purposes. The site has been dedicated to council for park or other local government purposes. Approval of a water ski park would not prejudice the future use of the site for other purposes, as all buildings must be relocatable and elevated on piers and removed from the site if/when the use ceases.

- State Planning Policy 5/10 Air, Noise and Hazardous Materials

The State Planning Policy is a statutory instrument under the *Sustainable Planning Act 2009*, which took effect on 2 May 2011. The policy aims to protect industrial land from encroachment by 'sensitive land uses'. The development site is identified as a management area in Schedule 5 of the State Planning Policy (*Map D-MA-08 – Coolum Management Area*). The policy provides direction about:

- where industrial land uses should be located;*
- how industrial land will be protected from unreasonable encroachment by incompatible uses (i.e. sensitive land uses).*

Section 3 of the State Planning Policy states that the Development Assessment section (3) applies to development applications for sensitive land uses only, as the existing management framework under the *Environmental Protection Act 1994* and the *Dangerous Goods Safety Management Act 2001* already applies for assessing applications for industrial land uses.

Section 3.3 states that the Policy applies to assessable development under Schedule 3, Part 1 of the *Sustainable Planning Regulation 2009*:

- *if the proposed development is a material change of use for a sensitive land use, and*
- *if any part of the proposed development is situated in a management area in Schedule 5.*

The proposal is for a Material Change of Use to establish a water ski park at the Quanda Park Water Resource, which includes a caretaker's residence and a training and recovery facility. The development site is located within the *Coolum Management Area*. Therefore, the proposal must not compromise existing or future industrial development within the adjacent Quanda Road Industrial Estate by incorporating 'sensitive land uses'. The State Planning Policy defines residential development as a 'sensitive land use'. The *Sustainable Planning Act 2009* defines a residential building as '*a building or part of a building used primarily for private residential use, other than a building or part of a building used only for a caretaker's residence on land in an industrial area*'.

For clarity, the State Planning Policy Schedule 1 glossary specifically identifies a dwelling house, dual occupancy, multiple dwelling unit, retirement facility, relocatable home park, residential care facility, hostel and short term accommodation as 'sensitive land uses'. It does not identify a caretaker's residence as a 'sensitive land use'. The Maroochy Plan 2000 anticipates caretakers' residences within industrial precincts, making them 'self assessable' in existing buildings. Caretakers' residences are required for the management of property in other areas as well. Council has approved caretakers' residences at Kunda Park (industrial precinct) as well as at the Barramundi Fishing Park and Bli Bli Cable Water Ski Park (outdoor recreation), 325-367 David Low Way, Bli Bli. The proposed caretaker's residence is not contrary to the State Planning Policy.

The training and recovery facility, which will provide a range of services to water skiers during intensive training and/or competition, is not proposed to be an 'accommodation building'. The applicant contends it is not a residential use as it would not be '*primarily for private residential use*'. However, to ensure that the facility does not become an accommodation building (sensitive land use), it is recommended that the following condition be applied to any approval:

'The training and recovery facility must not be used as an accommodation building as defined in Maroochy Plan 2000 or a dwelling class 1, 2, 3 or 4 as defined under Part A3 of the Building Code of Australia, Volume 1.'

State Planning Policy 3/11 Coastal Protection

The subject site is outside of the Coastal Management District but parts of the site (i.e. the lake) are mapped as being subject to Coastal Hazards (*Storm Tide Inundation less than 1m*). *Section B.7 - Within the coastal zone but outside the coastal management district this State Planning Policy applies to development that is (i) a material change of use; (ii) that would require new permanent structures for accommodation purposes within the coastal hazard area*

The proposed structures (clubhouse, caretaker's residence, storage, etc.) associated with the water ski park are not located within the coastal hazard area and are not permanent (all are on piers and relocatable). No accommodation (other than the caretaker's residence) is proposed. Therefore, the State Planning Policy is not triggered as the area of filling of the site and proposed structures are not within the mapped storm tide inundation area. In any case, the fill and minimum floor levels required for the development areas of the site are well above the storm tide level at year 2100 for the Maroochy River estuary (2.9m average height datum) and, hence, the coastal hazard is adequately addressed.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. '*Land in the urban footprint may be unsuitable for urban development for other reasons, including constraints such as flooding, land slope, scenic amenity, and the need to protect*

significant biodiversity values. The current site is unsuitable for urban development as it contains a lake and other regional ecosystem values, which preclude further urban development. The proposal is considered to meet the Schedule 2 definition of outdoor recreation by virtue of being a sporting activity which would use the existing lake.

Schedule 2—Dictionary defines outdoor recreation as *‘a recreation or sports activity that—*

- (a) has a direct connection to the rural, natural or resource value of the premises;*
- (b) is carried on outside of a building;*
- (c) requires areas of open space; and*
- (d) may include works necessary to manage safety and ecological impacts.’*

Principle 3.7 of the Regional Plan requires council's to *‘provide a variety of outdoor recreation opportunities to meet priority community needs, while protecting other regional landscape values’*. The proposed water ski park addresses the Regional Plan requirement by providing outdoor recreation opportunities (water skiing) to the community, while preserving the ecological, habitat and water quality values of the site for the benefit of the wider community.

Other relevant sections of the regional plan are discussed below.

6.3 (Healthy and Safe Communities) *‘encourage increased physical activity through provision of community greenspace for outdoor recreation, sport and recreation facilities.’* The proposal for outdoor recreation with public amenities addressed section 6.3 of the plan.

8.4 (Urban Green Space). *‘There is also a growing awareness of the need for urban community green space to accommodate an expanding range of outdoor recreation activities.’* The proposal provides green space and outdoor recreation as a buffer between an Urban industrial use and Regional Landscape and Rural Production conservation area.

2.3.4 Noisy outdoor recreational activities, such as motor sports, are designed, located and managed to avoid conflicts with adjacent residential areas. The applicant's amended acoustic assessment demonstrates that sensitive residential receptor areas in the vicinity of the proposal are not negatively impacted (refer to Code Assessment).

Note: As the site is within the Urban Footprint, the Schedule 3 Regulatory Provisions test to determine overriding need in the public interest does not apply to the proposed development.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (8 August 2011). The following sections relate to the provisions of the Planning Scheme. The proposal is for outdoor recreation to establish a water ski park.

Outdoor recreation is defined as the *‘use of the premises for any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors.’* The proposed ski park fits within the above definition and is impact assessable pursuant to Table 4.5 (*Table of Development Assessment for Material Change of Use in Industrial Precincts*). A preliminary approval application pursuant to Section 242 of the *Sustainable Planning Act 2009* is not required (Section 241(2)), as the applicant does not propose to change the level of assessment of future uses on the site or identify additional codes against which to assess future application.

The applicable planning scheme for the application is the Maroochy Plan 2000 (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

With regard to the Maroochy Plan 2000's Desired Environmental Outcomes, the Planning and Environment Court has determined that a proposal cannot compromise a Desired Environmental Outcome for the region, unless it impacts the Desired Environmental Outcomes at a regional level in a *'clear, obvious and significant way.'* For example, a proposal would have to impact on the whole of the Sunshine Coast's preferred environmental outcomes before it could be considered to compromise the Desired Environmental Outcome *'in such a manner that its achievements on a Shire wide basis had plainly been compromised'.* When Maroochy Plan 2000 is properly construed in that fashion, it is clear that it will be a relatively rare occasion in which "compromise" of the Desired Environmental Outcomes is manifest.' There is nothing in the current application which could be construed to have regional impacts on the Desired Environmental Outcomes. The impacts of the proposed water ski park would be limited and would not compromise the Desired Environmental Outcomes on a regional basis.

The Strategic Plan designates the development site for *'extractive industry'*, as it was formerly a sand mining quarry. However, the sand mining operation has ceased and the land, which includes the resultant man made water body (Quanda Lake), is no longer suitable for that purpose. The land is now owned by council, which is responsible for the use and maintenance of the Quanda Park Water Resource.

The proposal for a water ski park with an ancillary clubhouse, caretaker's residence and training and recovery facility comes under the Maroochy Plan 2000 definition of 'outdoor recreation', which *'means the use of premises for any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes the provision of clubhouse and other ancillary facilities'* The proposal for a water ski park is consistent with the planning definition. The lake provides an opportunity to provide a regional sporting facility that could be used to host national and international events consistent with *the Strategic Plan's Tourism Goals.* The facility would include public open space, a publicly accessible clubhouse, footpaths, covered shelters (viewing areas), car parks, toilets and drinking fountains consistent with the Strategic Plan's *Open Space and Recreation Strategy.* The facility would constitute a valuable regional public open space and recreation asset. Therefore, the proposal is considered to be consistent with the provisions of the Strategic Plan.

Note: Approval of a water ski park would not preclude the future use of the land for other strategic purposes, including park or conservation.

Local Area Provisions

The subject site is located in Planning Area No 12 - South Peregrin, Precinct No 4 – Yandina/Coolum Road Industrial (Core Industry).

'This Precinct is intended to accommodate:

- *business and industry uses with local and district markets;*
- *rural plant and equipment supplies, produce stores and rural service agencies,*
- *small to medium sized automotive repairs and sales,*
- *small-scale transport storage and distribution, and*

- *building trades, service trades and domestic services to businesses and households.'*

The above Precinct Intent encourages the above industrial uses within the approved Quanda Road Industrial Estate, not within the subject site. The Quanda Park Water Resource does not form part of the industrial estate. It is specifically designated as a '*Mineral and Extractive Resources Area*', much like its counterpart quarry at Cooney Road, Bli Bli. The extractive resource use (sand mining) has ceased operation and the site is no longer required or suitable for that purpose.

Following the cessation of sand mining, the site, including the man-made lake, was transferred to council as park. The transfer document states '*The land shall be held upon trust for the purpose of park purposes or such other local government purposes as may be determined from time to time*'. Industrial uses would be inappropriate within the council-owned lake site. It is considered that a water ski park would constitute a use which is consistent with the designation of the site as 'park'.

'This industrial area is adjacent to areas of significant vegetation. These remnant vegetation areas need to be effectively buffered to ensure that construction and operational activities of industry do not adversely impact on the sustainability of the vegetation communities.'

Council's ecologist has assessed the proposal and advises that existing vegetation, including regional ecosystem and remnant vegetation along the southern and western boundaries of the site, will be retained and rehabilitated as part of the proposal. Council's landscape specialist considers that the proposal provides landscape buffering to the adjacent industrial development located to both the north and the east of the water body and has recommended conditions to supplement and enhance this vegetation buffer.

Council's environmental specialist has recommended conditions to ensure weed removal and rehabilitation of the site.

'Radiata pine wildings have extensively infested the previously cleared areas of the State owned site and have begun to seriously degrade the adjacent wallum heathland vegetation. Management of this Precinct should ensure these weed problems do not impinge on the natural environmental values of the adjacent Precincts.'

Council's hydrologist considers that stormwater release, including erosion and sedimentation during the construction (e.g. earthworks, road construction and general building works), would be managed through operational works conditions. Stormwater management relating to on-going water quality would be managed through onsite water sensitive urban design (Water Sensitive Urban Design bio-retention basins and Gross Pollutant Traps) to meet pollutant load reduction targets in accordance with the referenced in accordance with the recommendations of the *Lake Risk Management Plan* to ensure that the lake remains safe in terms of human health.

'Stormwater drainage needs to be well managed, both for construction works and for on-going use of the land, to prevent sedimentation and other pollutants from entering the nearby ecologically significant and sensitive bushland and wetland areas.'

The balance of the Precinct Intent refers to industrial uses and their impacts and is not relevant to the use of the Quanda Park Water Resource.

Land Use and Works Provisions

The following codes which regulate land use and design are applicable to this application:

- Code for Nature Conservation and Biodiversity;
- Code for Waterways and Wetlands;
- Code for Assessment and Management of Acid Sulphate Soils;
- Code for Development on Steep or Unstable Land;
- Code for Development in Bushfire Prone Areas;
- Code for Development in the Vicinity of the Airport;
- Design Code for Community Safety and Security;
- Code for Landscaping Design;
- Code for Transport, Traffic and Parking;
- Operational Works Code;
- Code for Integrated Water Management;
- Code for Industries in Urban Areas; and
- Code for Caretaker's Residences.

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

| Code | Discussion |
|---|---|
| Code for Nature Conservation and Biodiversity | <p>The proposal is located adjacent to a mapped Nature Conservation Management Area. The Regional Ecosystem and Remnant Map - Version 6 identifies the site as containing a small area of Remnant Vegetation that is 'of Least Concern', as well as land identified under the Vegetation Management Act as 'Essential Habitat Area' to the south-west of the site. The Department of Environment and Resource Management's Regrowth Vegetation Map - Version 2 has determined that the same portion of the site contains High Value Regrowth Vegetation that is 'Of Least Concern'. No clearing of vegetation within these mapped areas is proposed as part of this development and such vegetation would be retained and protected.</p> <p>As the man made water body already exists, there is limited potential for construction activities to impact upon the adjacent nature conservation management area. The use of the water body for power boats may have a localised impact upon adjacent habitat values and the use of the water body for waterbirds. However as there is a maximum of two power boats to be used on the water body at any time, there is ample area available for waterbirds to utilise the area. To improve habitat value and provide additional bird refuge, it is recommended that the lake edges and adjacent vegetation be rehabilitated with native vegetation. A condition is to be included requiring a rehabilitation plan to be lodged as part of the operational works application for the site. In addition to the above a condition has been included to ensure that any outdoor lighting associated with the</p> |

| Code | Discussion |
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| | use is designed so as not to cause nuisance to the adjacent Nature Conservation Management Area. |
| Code for Waterways and Wetlands | <p>The buildings proposed for the site are located within an area mapped under Maroochy Plan 2000 as buffer to a wetland. The wetland to the east of the site that this buffer relates to no longer exists, as it was removed to construct the existing Quanda Road Industrial Estate. However, Maroochy Plan 2000 mapping has not yet been updated to acknowledge this fact. In this regard, the buffer to wetland layer is no longer relevant to the establishment of buildings associated with the proposed water ski park use. It is noted that the existing finger of vegetation located between the industrial land and the water body would be retained. It is recommended that a condition be included to ensure that the vegetation is protected during construction activities.</p> <p>Department of Environment and Heritage Protection, as an Advice Referral agency for Wetlands and Conservation Estate, have provided a standard advice note in relation to the adjacent wetlands and conservation estate. The advice recommends providing buffers to the wetlands and conservation estate as well as appropriate water quality management. As the water body is already in place it is impossible to provide any physical buffering. Therefore, it is considered that Department of Environment and Heritage Protection advice is unachievable.</p> <p>The applicant has provided an <i>Integrated Water Management Plan</i>, which appears to comply with the provisions of the Integrated Water Management code and the subordinate Integrated Water Management guidelines with respect to meeting Comply Solutions. This includes demonstrating the pollutant reduction targets would be met by providing appropriate stormwater quality treatment infrastructure including a bio-retention swale, using the required bio-retention treatment area percentage (i.e. 2%) and suitable rainwater storage tank volumes for harvesting.</p> <p>With respect to ongoing water quality monitoring and maintenance, the applicant has provided a <i>Lake Risk Management Plan</i>, to manage lake water quality. The Plan recognises that there is a low to moderate risk of chemical hazards and pollutants entering the lake in stormwater runoff from the existing and future industrial area. It recommends a sampling program to monitor the lake's water quality for the life of the development. The applicant must identify trends concerning microbes and cyanobacteria/blue green algae, particularly over the November/March period and formulate an action plan. The applicant would be responsible for resolving or taking action on any public health/safety matters that arise throughout the life of the development from both internal and external factors (e.g. spillage associated with the approved outdoor recreation use or an industrial use resulting in degraded stormwater entering the lake).</p> <p>The impacts of utilising power boats on the lake are only likely to have localised impact upon the immediate edges of the water body and as the edges are already vegetated (with the exception of maintenance access tracks). It is recommended that the existing lake edges and</p> |

| Code | Discussion |
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| | adjacent vegetation be rehabilitated to improve bank integrity and habitat values. A rehabilitation plan would be required to be lodged as part of the operational works over the site. |
| Code for Industries in Urban Areas | <p>Although the code is not relevant because the proposal is not for an industrial use, an assessment against the code's environmental performance criteria (noise emissions) has been undertaken to ensure no negative impacts on the surrounding area.</p> <p>An amended Acoustic Report and addendum have been prepared by Ron Rumble Renzo Tonin. The assessment was carried out by a qualified and reputable acoustic consultant and testing and modelling utilising recognised methods based on worst case scenario. The acoustic report provides an assessment of the potential noise impact of the proposed development on the surrounding area and concludes that the noise level produced will comply with applicable Environmental Protection Policy noise level criteria and standards, as well as those of the Code and Planning Scheme Policy No 7 (<i>Acoustic Environment Assessment</i>).</p> <p>The Acoustic Report concludes that:</p> <ul style="list-style-type: none"> • <i>Use of two Ski Nautique 196 waterskiing boats at the Quanda Park Water Resource between 6:30am and 7:00pm will achieve compliance with the noise limits without the need for any additional attenuation.</i> • <i>Noise emissions associated with use of a Public Announcement system and operation or maintenance of the waterskiing boats out of the water that involve operation of the engines will not be an issue as these activities will not occur at the site.</i> <p>In addition to the findings of the Acoustic Report, the applicant provided a demonstration of one of the boats on the water at the site for several Council officers. Council officers were unable to detect noise from the boat at several locations along Arcoona Road and Carnarvon Court to the west of the site, which is the locality with the lowest background noise and therefore the most likely to be affected.</p> <p>It is likely that from time-to-time, when background noise is extremely low and climatic conditions favourable to noise propagation (low winds in direction of receiver), boats engine noise may be slightly audible at the houses along Arcoona Road. However, the frequency of these low level events is unlikely to cause nuisance.</p> <p>In addition, to the above, the acoustic report indicates that Public Announcement systems and boat engine maintenance will not occur at the site and will, therefore, not cause nuisance. It is recommended that a condition be included to ensure the above activities do not occur on site. It is also recommended that a condition be included limiting the use of boat engines to the 2 proposed Ski Nautique 196 waterskiing boats in order to ensure that no unanticipated noise sources occur at the site.</p> <p>The applicant's Acoustic Report confirmed the findings of council's <i>Environmental Noise Impact Assessment</i> study for the Quanda Road</p> |

| Code | Discussion |
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| | <p>site. The study found that the noise levels from 2 water ski boats operating on the site would comply with the derived noise limits and that a public address system could be conditioned to comply.</p> <p>In relation to the site layout for buildings associated with the water ski park, where patrons could be affected by air and noise emissions from the adjacent industrial land, buildings have been located as far as practicable from the boundaries of the industrial land to reduce the noise impacts. A landscape buffer would be established and maintained to improve the amenity of the site.</p> |
| Code for Integrated Water Management | <p>An Integrated Water Management Plan has been prepared by Empire Engineering. The report concludes that:</p> <ul style="list-style-type: none"> • Stormwater harvesting tanks and wastewater minimisation strategies will be adopted to reduce the demand on council's or Unitywater's existing infrastructure. • Complying solutions in the form of coarse sediment traps and vegetated bio-filtration swales have been incorporated within the proposed development to meet water quality requirements. • No stormwater detention is required in this instance due to insignificant changes to the sites catchment hydrology and nil effect to downstream infrastructure. |
| Operational Works Code | <p>The site can achieve connection to the existing sewer, water, telecommunication and electrical reticulation that is available to the site from the adjacent industrial estate.</p> |
| Code for Transport, Traffic and Parking | <p>The code requires the provision of parking sufficient to accommodate the amount and type of vehicle traffic likely to be generated by the use (Schedule 2 – Minimum onsite car parking). The applicant proposes to provide 70 spaces on site to accommodate the demand, including 15 sealed bays close to the entrance and 50 informal parks to accommodate overflow or parking during events. Access to the site from Junction Road would be provided in accordance with council requirements (refer to Traffic, Transport and Parking section).</p> |
| Code for Landscaping Design | <p>The Code for Landscaping Design requires landscaping of high quality to promote and guide the character of the region as a subtropical environment in which built form is successfully integrated with the natural environment. The applicant proposes to retain most of the existing vegetation and remove weeds (exotic grasses) from the lake edge. Council's landscape specialist considers that the submitted landscape concept plans do not provide sufficient information relating to the requirements of the code or the desired outcome. Therefore, the plans have not been approved. A detailed revegetation/rehabilitation landscape plan has been conditioned to be provided prior to lodgement of operational works to ensure the integrity and character of the surrounding vegetation on the development site is retained and enhanced. Conditions would require the applicant to establish landscape buffers to adjoining properties and bank stability to the water body perimeter using endemic aquatic species as part of stage 1 works. Conditions would require pathways, shelters, weed removal and site rehabilitation prior to commencement of use for stage 2.</p> |
| Code for Caretaker's Residences | <p>The caretaker's residence is Code Assessable in accordance with Table 4.6 <i>Table of Development Assessment for Industrial Precincts</i> because it requires new building works. Where a proposal complies</p> |

| Code | Discussion |
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| | <p>with an Acceptable Measure, it is taken to comply with the Performance Criteria. Only 1 caretaker's residence is proposed on site to provide accommodation for the water ski park manager in accordance with E1, A1 of the Code. The temporary stage 2 residence would revert to a storage area when the stage 3 caretaker's residence is established. The residence would be occupied by the proprietor or manager having responsibility for the security of the operation in accordance with P2, A2 of the Code. While the proposed residence exceeds the recommended Gross Floor Area by 44m², it is considered to comply with P3 on the basis that it is ancillary to the main use and would have no impacts on the amenity of the area. The residence would not have a separate title from the balance of the lot as per E1, A3.2 of the Code. Both the temporary caretaker's residence (stage 2 storage shed) and the final (stage 3) caretaker's residence (comply with the performance criteria (design, height and siting) of the code. The residence has an appropriate area of private open space in accordance with E1, P4 of the Code. The building would be within the precinct height limit as per E2, A1 of the Code. The proposal would comply with E3, P1 (buffer) on the basis that the building would be set back from the lake in a cleared area and conditions of approval would require revegetation of the entire perimeter of the lake. The caretaker's residence would meet the acoustic requirements of E4, P1-P3 by complying with the Acceptable Measures identified in Table 3.1 of Planning Scheme Policy No. 7 - <i>Acoustic Environment Assessment</i>. As no excavation is proposed to accommodate the relocatable dwelling, the proposal would comply with the acid sulphate requirement of E5, P1. The proposal would comply with the parking requirements of E6, P1 by providing adequate on-site parking. The proposal would comply with E8 (adequate water for bushfire fighting) by connecting to council's reticulated water supply network. The proposal would comply with E9, P1 (flooding) by providing a finished floor level of 4.2m AHD ensuring flood immunity to the Q100 flood event. The stage 3 caretaker's residence would be on piers and relocatable such that it can be removed from the site in the event that the lease lapses or the business fails. The proposal would comply with Code requirements.</p> |

Overlay Provisions

The following Overlays are applicable to this application:

- Nature Conservation Management Areas;
- Waterways, Wetlands and Fish Habitat Areas;
- Steep and Unstable Land;
- Acid Sulfate Soils;
- Flood Prone and Drainage Constraint Areas;
- Bushfire Prone Areas;
- Sunshine Coast Airport; and
- Mineral and Extractive Resources and Buffer Areas.

The application has been assessed against each of the applicable Overlay codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

| Code | Discussion |
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| Mineral and Extractive Resources and Buffer Areas | The site is identified in the Strategic Plan as an extractive resource area (sand quarry). The use of the site for extractive industry with its requirement for an extractive industry buffer has ceased. The land, including the man made water body (Quanda Lake), has been dedicated to council as drainage reserve. |
| Flood Prone and Drainage Constraint Areas | The proposed development is adjacent to a large industrial estate, which has been approved and largely constructed. Construction of this industrial estate involved very large quantities of fill being placed into the floodplain. In terms of flood impacts, the development footprint is small and is contained adjacent to the existing filled industrial estate. The adjacent Quanda Road Industrial Estate resulted in excess of 1,000,000m ³ of filling (and consequent loss of floodplain storage). The State Government Coolum Industrial estate to the north will result in a similar quantity of filling within the floodplain. Compared to these developments, any loss of floodplain storage resulting from the current proposal is insignificant. As part of the approval process for the industrial estate, a detailed flood study was prepared and the impact of the filling was assessed and found to be acceptable. Council's hydrologist has recommended conditions to achieve flood immunity (Finished Floor Level 4.2 AHD) and ensure that roads and footpaths remain trafficable in a Q100 flood event to allow safe egress from the buildings (including the caretaker's residence) to the external street system. In terms of the fill requirements associated with the ski park proposal, council's hydrologist advises that <i>'the volume of fill required to comply with the flood immunity conditions are very minor compared to the filling associated with the adjacent industrial estate. The implications of the fill required by the flood immunity conditions have been considered in the assessment of the proposed development and found to be in accordance with the requirements of Maroochy Plan 2000.</i> In any case, direct flood impacts associated with the filling of the site would not extend to private property beyond the boundary of the site due to the adjacent private land being already filled. Although not specifically required by the scheme, council's hydrologist considers that the proposed 2-storey building is sufficient for refuge for residual flood risk for events exceeding Q100. The second floor level is 6.8m AHD which compares favourably with the Probable Maximum Flood levels for Doonan Creek of 5.18m AHD and Maroochy River of 5.72m AHD. |
| Bushfire Prone Areas | MP2000 mapping indicates the site as being low to medium bushfire prone with the remnant vegetation being mapped as medium. All new habitable structures are well removed from the medium bushfire prone areas, being separated by a minimum of 200m of open water body. In the event of a bushfire the lake will provide ample water for fire fighting purposes. Any evacuation from the site would be unimpeded through established industrial land with constructed roadways. |
| Steep and Unstable Land | Most of the site is comprised of the existing water body. The surrounding land is relatively flat and is identified as 'very low landslip |

| Code | Discussion |
|------------------------|---|
| | hazard'. Council's engineer is satisfied that there are no risks arising from unstable land other than the potential for lake bank erosion, which is addressed in the Landscape section. |
| Acid Sulfate Soils | No excavation would occur as part of the development. All buildings would be elevated on piers. Therefore, acid sulphate soils management would not be required to achieve the proposed water ski park. |
| Sunshine Coast Airport | The proposed water ski park will have no impact on the operation of the Sunshine Coast airport as all buildings are well within the precinct height limit. |

Other Matters for Consideration

Sunshine Coast Council Policy Framework - Strategies

The proposed development has not been assessed in detail against the Strategies for the following reasons:

- it is not a Section 242 Preliminary Approval Application overriding the planning scheme to create a planning assessment framework fundamentally different from that which currently exists;
- the planning impacts of the proposal are not of regional significance.

However, a brief assessment against a number of strategies is as follows.

Sport and Active Recreation Plan 2011-2026

The proposed water ski park is consistent with section 2.3 (*Policy Development*) of council's *Vision for Sport and Active Recreation* by 'contributing to the health and well being, social cohesion, and broadening of the regional economy of the sunshine coast' by:

- providing or facilitating equitable access to facilities and services;
- providing or facilitating infrastructure in response to existing needs;
- facilitating partnerships with community;
- encouraging clubs to be self sufficient;
- encouraging and/or supporting regional and higher level events;
- ensuring that sport and recreation assets are effectively managed and protected; and
- providing security on council owned land, include caretaker residences.

The proposed water ski park would contribute to closing the gap with respect to the identified deficiency in provision of 'sports reserve land' within the Coolum area to accommodate active recreation uses.

Open Space Strategy

Section 1.4 of the adopted Open Space Strategy recognises the use of existing waterways to 'contribution to recreation and community activities as a secondary use building on opportunities to co-locate or share.'

‘Open space makes a valuable contribution to the health and wellbeing of communities, providing opportunities for sport, creative pursuits and recreation (both passive and active), participation and interaction. Research suggests that urban green space can reduce fatigue and stress, improve concentration and provide a haven for peace and tranquillity. This in turn promotes better mental and physical health and reduces the incidence of chronic diseases such as obesity, heart disease and depression.’

The proposed water ski park would supplement council’s networks of recreation parks and sports grounds to address the need for active and passive recreation opportunities within the region at no cost to council. The lake and water ski park, including most of its facilities, would be open to the public from 6.30 a.m. to 7 p.m. 7 days a week. The water body would be available to non-motorised motor boat activities where not conflicting with the approved use. It would reinforce the visual amenity and habitat values of the area preserved within the adjacent conservation reserve.

Economic Implications

The Economic Development Branch has examined matters relevant to the application in the context of Maroochy Plan 2000, Council’s Corporate Plan 2009-2014 and Council’s Economic Development Strategy 2010-2014 and supports the proposal for a water ski park.

‘The subject site in Coolum Beach falls within the Maroochy Hinterland Statistical Local Area. According to the Small Area Labour Market Series produced by the federal Department of Education, Employment and Workplace Relations , the smoothed unemployment rate for this area for the December 2011 quarter is 5.3%. This compares favourably to the 5.9% for the overall Sunshine Coast Local Government Area generally and the unemployment rate of 5.5% for Queensland for the same period. This also represents a decrease in unemployment for the area from 5.5 % for the December 2010 Quarter. Nevertheless, there is a desire for augmented employment generating activities within the Maroochy Hinterland Statistical Local Area catchment.

In terms of Council’s Corporate Plan (2009-2014), the proposed development aligns with the Corporate Plan objective of creating a more robust economy. The Economic Development Strategy (2010-2014) aims to build a mature, diversified economy that is more resilient to the fluctuations of economic cycles by enabling growth in a range of identified emerging sectors in concert with ensuring that the traditional pillars of the regional economy (including tourism and construction) continue to grow. The Strategy specifically identifies the need to create a sustainable tourism industry which is the primary economic focal point of this development.

It is envisaged that the Oz Ski Resort has or will have the potential to provide new infrastructure and tourism product adding to the range of "outdoor recreational experience" products that visitors have to choose from. This form of development will potentially add to the tourism offering both nationally and internationally and reinforces the region’s tourism image, point of difference and visitor attractiveness. The proposed business offers a genuine opportunity to parallel the aforementioned objectives of the economic development strategy by delivering a world class facility that is an innovative business solution to a waterway formed by a prior use (sand extraction). As well as a general use facility that will bring sports tourism business and host major events it will act as an educational training venue that provides regular level I, II and III certificates in boat driving, coaching and boating safety, thereby delivering skills that will be transferred to other enterprise across the region. This development naturally has the potential to have a flow on effect to other Sunshine Coast businesses such as accommodation providers, restaurants, retailers and other indirect business activities. The proposed development therefore has the potential to deliver economic benefits over both its construction but more particularly its operational phases.

In terms of land use evolution the proposal offers a new use for an area that no longer has a productive use, due to its status as a post-extraction site. The development may also have the potential to divert some of the higher-impact recreational uses, currently operating on the Maroochy River, to the dedicated facility. This potential will become increasingly important as visitor numbers and the growing general population increase demand on the use of the river, therefore increasing pressure on the river bank structure and the biodiversity values of the river.'

Traffic and Transport

Access to the site is from the existing roundabout located within the industrial estate at the intersection of Junction Drive, Lysaght Street and Access Crescent along a 70m section of unformed road reserve to the property boundary. The developer would be required to construct a 6m sealed driveway along this section sufficient to cater for 2 way traffic with the occasional pedestrian/cyclist. The work would include any necessary modifications to the existing vehicle crossover into the site. Conditions have been included to achieve these outcomes. In addition to the proposed sealed vehicle parking area for 15 cars, there are areas available on-site for overflow parking (50 bays) during events. The applicant has advised that it is expected there would be a maximum of 100 competitors for a State level event and that these would be held 4 to 6 times a year and only on weekends. Council's traffic specialist considers that the adjacent industrial area would be sensitive to a spill-over of parking from the site into adjacent streets generally only on weekdays. Since the applicant expects some large events may occur only on some weekdays, it is recommended that a condition requiring vehicle parking to be contained on-site during weekday operations be included. There is a discrepancy in the submitted documents with regard to the intent for the internal access and carparking areas. The text indicates that the "15 space and service vehicle area" will be sealed whilst the plans refer to "gravel car park for stage 1". Council's engineering specialist recommends that the 15 car space and service vehicle area be sealed as part of Stage 1. The remainder of the internal access driveway servicing the caretaker's residence, the southern boat ramp and the overflow parking area can be constructed with a gravel surface as part of their respective stages. Conditions have been included to achieve these outcomes.

Energy Efficiency in Building Design

All buildings and structures provided by the applicant at no cost to council would be relocatable and mounted on piers such that they could be removed from the site in the event that the use lapses.

Waste Minimisation

The applicant would be responsible for the management of the site, including the disposal or removal of all waste from the site at no cost to council. Provision of waste bins for public use has been conditioned.

Water Conservation/Minimisation

Although the site will be reticulated water infrastructure as required by Unitywater, stormwater harvesting has been conditioned for all buildings.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Advice*Department of and Resource Management*

The department is an advice agency for Referrable Wetlands and Conservation Estate. The department responded by letter dated 28 March 2012 providing advice regarding the maintenance of the ecological values and water quality for the adjacent wetlands and the habitat and biodiversity values of the adjacent conservation estate.

Other ReferralsUnitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Branch;
- Landscape Officer, Engineering and Environment Assessment Branch;
- Ecologist, Engineering and Environment Assessment Branch; and
- Hydrologist, Engineering and Environment Assessment Branch.

Their assessment forms part of this report.

Public Notification

The application was publicly notified for 30 business days in accordance with the requirements of the *Sustainable Planning Act 2009*. A total of 379 submissions were received, of which 337 were 'properly made' and 42 were 'not properly made'. Of the 337 'properly made' submissions, 319 supported the proposal and 18 objected to the proposal.

The following table provides a summary and assessment of the issues raised by the 325 submitters who support the proposed water ski park.

| Issues | Comments |
|--|--|
| <p>Most submissions were pro forma documents citing the benefits of the proposed water ski park, including:</p> <ul style="list-style-type: none"> ▪ establishment of a world class water ski facility on the coast, ▪ provision of coaching expertise, ▪ healthy activity, ▪ affordability sport, ▪ increased tourism, ▪ multi-purpose venue, ▪ public access to open space and facilities, ▪ purpose built, low noise inboard boats to maintain amenity, ▪ water quality maintenance, ▪ retention of vegetation, and | <p>Approval of the proposal would result in many of the benefits identified in the pro forma documents. Some of these benefits have been cited in the section identified as 'sufficient grounds' for approval.</p> |

| Issues | Comments |
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| ▪ additional vegetation and landscaping. | |
| Provide jobs to the region | Refer to Economic Implications section. |
| Excellent place for skiers to use instead of the damaging effects water sports has on our waterway and ecosystems. | Council's environmental specialist concurs with this observation. |

The following table provides a summary and assessment of the issues raised by the 18 submitters who oppose the proposed water ski park.

| Issues | Comments |
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| Use does not comply with the planning scheme, including the Desired Environmental Outcomes, overlays, codes, flooding but that <i>"we wish to make it clear that we are passionate advocates of the sport of Water Skiing and in no way object to the sport of water skiing on this site."</i> | The issues non-compliance with aspect of the Planning Scheme raised by the submission have been addressed in earlier sections of this report (refer to Strategic Provisions, Local Area Provisions, Code Assessment, Overlay Provision, etc). |
| Non-compliance with precinct intend | Refer to Local Area Provisions section of this report. |
| Non-compliance with Desired Environmental Outcomes | Refer to Strategic Provisions of this report. |
| Non-compliance with Overlay Codes | Refer to Overlay Provisions of this report. |
| Non-compliance with Overlay Codes | Refer to Land Use and Work Provisions of this report. |
| Owner's consent. No landowner consent was submitted with the revised application. | The revised application (MCU12/0033), in the form of an Information Response, is a continuation of the assessment of the previous application, which for administration purposes only, was assigned a new number (MCU11/0131). Therefore, the landowner consent has been provided. |
| Application Fees. No further application fees were paid to Council for revised application MCU12/0033 and a \$156 administration fee was not retained by council for MCU11/0131. | The initial application (MCU11/0131) was 'not properly made' because the survey plan creating legal access (Junction Road) to the site had not been sealed. Rather than requesting a refund of the application fee, the applicant requested that council retain the fee and apply it against the re-lodged (MCU12/0033) application (i.e. a continuation of the previous application). Application fees were carried over from the previous application, as determined by the assessment manager as reasonable and relevant under the provisions of SPA s266 (3) (b) (ii) (no administrative fee withheld). |
| Proximity to industrial estate. | Refer to Strategic Provision section of this report. While being located in an industrial precinct, the site is identified for extractive industry. The sand mining use has ceased and the land has been dedicated to council for park or other purposes. Outdoor |

| Issues | Comments |
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| | recreation is not identified by the relevant State Planning Policy 5/10 as an incompatible (i.e. sensitive) use. Conditions of approval would ensure that the site would not be used for a sensitive (i.e. residential) use. |
| Accommodation Building. The training and recovery facility' is an accommodation building, which will compete with Coolum accommodation/ restaurants. | In response to the information Request (MCU11/0131), the applicant amended the proposal to delete the accommodation building. The proposed training and recovery facility would be used by athletes during training sessions and/or competitions (i.e. not open to the general public). The use of the training and recovery facility would be conditioned to comply with State Planning Policy 5/10 in respect to the prohibition of 'sensitive land uses'. Specific conditions would prevent the training and recovery facility being used as either an accommodation building (i.e. for residential purposes) or a sensitive land use (i.e. short term accommodation). Plan amendments require the building layout to be amended to remove what appear to be bedrooms. |
| Public Access: Proposed exclusive use does not provide public/community access to or use of the site or facilities, including by other water ski associations, canoe club, surf club. Participation in water skiing would be prohibitive. | The Quanda Park Water Resource was dedicated to council for park or other purposes as determined by council. Public access to the lake and water ski facility (including to the car park, amenities, peninsula, viewing areas, picnic shelters, club house and BBQ area) as identified on the approved 'Primary Public Access Area' Plan, would be allowed from 6:30am to 7:00pm. Public access to the site and facilities would be a condition of approval (refer to conditions) and a condition of the lease. Access to the lake by other users would be coordinate by the operator/caretaker (Oz Ski). |
| Engineering: The proposal for 15 gravel car parks is inadequate. | Refer to Traffic and Transport section of this report. The access and 15 sealed car parks would be a condition of approval. Informal space for an additional 50 overflow car parks has been indentified on the approved plans for parking during competitions. |
| Written approval is required as part of the application to connect to existing Unitywater infrastructure and the application may not be properly made. | Written permission is not required from the adjoining property owner to lodge an application. Unitywater has assessed and approved the water ski park proposal with conditions requiring the applicant to connect to existing water and sewer infrastructure and to obtain written approval from the adjoining lot owner to enter and construct the required works. |
| Hydrology – A considerable amount of fill will be required and the storage shed and toilet would flood. | Council's hydrologist considers that the fill required to achieve flood immunity (most buildings on piers) and to allow safe egress from the buildings to the external street system is insignificant and that ' <i>filling of roadway and paths will result in approx 0.65m of fill. Batters will be minor. Conditions require the storage shed and temporary buildings to have the same standards of flood immunity as the other buildings (4.2 AHD) so the toilet will not flood during a Q100 event.</i> ' |
| Access to the water edge by boat is not adequate. | Council's environmental specialist considers that there is sufficient access around the perimeter of the lake to allow for emergency access to complement boat access. Such access would also be required to access the vegetation and lake edge planting. |
| Response to Outstanding Issues is | The response to council's Information Request is considered to be adequate to satisfy the <i>Sustainable Planning Act 2009</i> |

| Issues | Comments |
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| inadequate. | requirements in relation to an Information Response and has provided council with sufficient information to determine the application. |
| Public Areas are not defined and there is little public benefit. | Refer to previous section re public access to the lake and water ski facility (including to the car park, amenities, peninsula, viewing areas, picnic shelters, club house and BBQ area) as identified on the approved ' <i>Primary Public Access Area</i> ' Plan, would be allowed from 6:30am to 7:00pm. A condition requires the BBQ to be provided within the publicly accessible area. There is currently no public access to the site. |
| Staging - It is not clear how the proposal is to be staged and it is too open ended. | The timing of staging of the development would depend upon its commercial viability. The proposal would happen in 3 stages in accordance with recommended staging condition. Stage 1 would allow the applicant time to establish the use, obtain the necessary building permits approvals (12 months) and commence construction of the buildings required by stage 2 (24 months). A standard sunset clause condition would lapse the approval if stages 1 & 2 have not happened within 6 years of the approval taking effect. Sealing of the car park and connection to water and sewer would be conditioned to occur prior to the commencement of use for stage 1 (refer to staging condition). |
| Lack of Information with respect to on-water infrastructure | Each slalom course would consist of a floating single cable line, secured at each end by a small screw anchor. The anchors would be removable earth anchors approx 1m long screwed into the bottom of the lake. The jump would be anchored by 4 screw anchors. Floating wave barrier would be anchored by approx 4 to 6 small screw anchors. However, it is acknowledged that the special equipment may change from time to time. |
| No Public Benefit and an inability to accommodate other users of boats. | Refer to previous section. |
| Sufficient Grounds – Sufficient grounds pursuant to schedule 3 of the South East Queensland Regional Plan Regulatory Provisions (i.e. in the public interest) or the <i>Sustainable Planning Act 2009</i> Schedule 3 do not exist to approve the proposal. | Sufficient grounds, as identified in the Recommendation Section of this report, including those in the public interest, have been identified to support the approval of the proposal pursuant to s326 (1) (b) of the <i>Sustainable Planning Act 2009</i> . It is acknowledged that ' <i>grounds</i> ' do not include ' <i>the personal circumstances of an applicant, owner or interested party</i> ' (<i>Sustainable Planning Act 2009</i> Schedule 3 definitions). The grounds cited here as sufficient for approval are all based on the wider public interest. It is considered to be in the public interest to provide a water ski park; especially one which provides a level of public access to the lake/facilities, offers additional recreation opportunities to the public/community groups/clubs, encourages tourism and maintains the lake's water quality. |
| Public Park: The proposed outdoor recreation (water ski park) does not include a public park. | Approval for outdoor recreation (water ski park) does not imply that it must provide a public park component as defined in Maroochy Plan 2000. The definition of outdoor recreation specifically excludes a public park. Regardless, public access to the facility would be as identified on the approved plans and recommended conditions of approval. |
| Council's management of the community | Refer to History section. The tender and leasing process was managed and administered by council's property branch, who |

| Issues | Comments |
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| liaison and leasing/tender process, including the terms of the lease. | executed a lease (dated 3/10/11) for the use of the site with the applicant (Oz Ski) subject to obtaining the necessary planning approval. |
| Caretaker's residence should not be allowed in an industrial precinct. | Caretaker's residence is 'self assessable' in an existing building in an industrial precinct (i.e. an anticipated use) and specifically excluded from the list of 'sensitive uses' in SPP5/10. Council has approved caretaker's residences in Kunda Park (industrial precinct) and at the barramundi fishing and cable ski park adjacent to Muller Park on the David Low Way (rural precinct). |
| Filling of the site would cause drainage issues to adjoining blocks. | Limited filling is proposed for the site. All buildings, except the storage shed, would be on piers and reloadable. Council's hydrologist has assessed the proposal and provided appropriate conditions to ensure flood immunity, non-worsening to adjoining properties and maintenance of water quality. |
| Proposed storage shed is habitable. | The applicant proposed to use the upper floor of the storage shed as a caretaker's residence until stage 3 of the development. |
| Inconsistent with Sunshine Coast Biodiversity Strategy 2010/2020. | The use of the land, dedicated for park or other purposes, as outdoor recreation is not inconsistent with the Strategy on the basis that the land contains a man made lake (former sand mine); maintains vegetation located in the western portion of the site; and separates the Quanda Road Industrial Estate from the Arcoona Road Conservation Area to the west. |
| Would destroy the habitat for the native birds and fish. | The water body is man made as a result of extractive activities which ceased within the last 5-6 years and any habitat provided is therefore relatively recent. Council's environmental expert considers that there is no reason to expect that the use of 2 water ski boats would destroy the habitat value of the lake. Using the man made water body for skiing will also reduce pressure for recreational activities on natural waterways such as Maroochy River. Regardless of the above, conditions have been included requiring additional aquatic vegetation around the perimeter of the water body to prevent bank erosion and protect the habitat values of the lake. |
| Erosion will disturb the banks of the lake. | The 2 purpose built water ski boats have very low wake and are therefore unlikely to significantly disturb the banks of the man made water body. A condition has been included requiring the banks of the lake to be revegetated/rehabilitated to ensure any potential erosion is minimised. |
| Noise and loss of amenity to people of Coolum and the industrial estate, including visual amenity. | The acoustic report indicates that the noise impact of the 2 special purpose water ski boats on the surrounding area would be minimal and well within acceptable levels. Council's environmental expert conducted site visits to Arcoona Road and Leichardt Drive and was unable to detect the sound of motor boats above the background noise (refer to Code Assessment). In terms of visual amenity, no vegetation would be removed and additional screening landscaping would be provided. The footprint of the development is considered to be minimal with all re-locatable buildings clustered in the east of the site. It is considered that the noise impacts of the 2 low noise inboard motor boats on the industrial estate, would be negligible and within acceptable limits for an industrial estate. |

| Issues | Comments |
|--|---|
| Suitable water ski boats are available on the sunshine coast and do not have to be imported from the US. | This is not a planning issue, however, the 2 <i>Ski Nautique 196 waterskiing boats</i> have been purchased by Oz Ski on the basis of their suitability for the proposed use and the quietness of the motor to address noise concerns and mitigate potential acoustic impacts. The choice of boats is a commercial consideration. The proposed conditions would allow comparable (or equivalent) local boats on the lake if they meet the acoustic performance criteria. The condition limits the number of boats operating on the lake to a maximum of 2 for amenity (noise mitigation) reasons. Alternative boats would have to be inspected and approved by the operator/caretaker. |
| Events and traffic would degrade the surrounding area and constitute a traffic, parking and safety issue. | Access would be via the industrial estate, which has an adequate road network to accommodate the use. Traffic impacts during the week would be relatively minor with most events occurring on the weekend, at which time the internal road network and on street parking is generally available. Council's traffic specialist considers traffic impacts to be well within the acceptable range, stating; <i>in addition to the proposed sealed vehicle parking area, there are areas available on-site for overflow parking during events. The applicant has advised that it is expected there would be a maximum of 100 competitors for a State level event and that these would be held 4 to 6 times a year and only on a weekend. The adjacent industrial area would be sensitive to a spillover of parking from the site into adjacent streets generally only on weekdays. Since the applicant expects large events only to occur on some weekends, a proposed condition of approval requires all vehicle parking associated with the use to be contained on-site during weekday operations.'</i> |
| Portable toilets and gravel are sub standard. | There would be no portable toilets. Unitywater conditions require the applicant to connect to water and sewerage prior to the commencement of use for stage 1. The access, circulation and parking area around the clubhouse would be sealed. Only access to the caretaker's residence and overflow parking would be gravel. |
| The \$1,500 a year lease fee is too low. | This is not a planning consideration, but is a matter for the lease arrangements between Oz Ski and the property branch. |
| Preliminary Approval. The application should have been made pursuant to section 242 of the <i>Sustainable Planning Act 2009</i> to vary the effect of the planning scheme. | An impact assessable development application has been made to Council pursuant to Maroochy Plan 2000 Table 4.6 – Table of Development Assessment for Material Change of Use in the Core Industry Precinct Class. The applicant is not seeking a Preliminary Approval nor are they seeking to amend the Planning Scheme provisions. Therefore, Section 242 does not apply. |
| There would be 2 caretaker's residences on site. | There would not be 2 caretaker's residences on the site. The upper floor of the storage shed would serve as an interim temporary caretaker's residence during stage 2 until the detached dwelling is establish for this purpose during stage 3. It would then be used for storage. This matter is addressed through and the overall approval which only permits 1 caretaker's residence. |

CONCLUSION

The proposal is for a Material Change of Use for outdoor recreation to establish a water ski park with ancillary facilities at the Quanda Park Water Resource, which has been dedicated to council for park or other purposes. The water ski park would boost local tourism opportunities and open up public access to the site for recreational purposes. The proposal can be conditioned to mitigate impacts and comply with the relevant statutory planning instruments. Approval of the application would not prejudice the future use of the site, as the duration of the approval would be tied to the term of the lease. Sufficient grounds have been identified to approve the application despite potential conflict with aspects of the planning scheme.

The proposal is recommended for approval with conditions.

APPENDIX A - CONDITIONS OF APPROVAL

Development Application Number MCU12/0033

1. APPLICATION DETAILS

| | |
|----------------------------|---|
| Application No: | MCU12/0033 |
| Street Address: | Park 60 Junction Dr COOLUM BEACH QLD 4573 |
| Real Property Description: | Lot 5 SP 118756 |
| Planning Scheme: | Maroochy Plan 2000 (8 August 2011) |

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Outdoor Recreation (Water Ski Park & Ancillary Caretakers Residence & Training & Recovery Facility)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. ASSESSMENT MANAGER CONDITIONS**PLANNING****When Conditions must be Complied with**

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works.

Nature and Extent of Approved Use

3. The approved use is for outdoor recreation (water ski park and ancillary caretaker's residence and training and recovery facility) in accordance with the approved plans and conditions.
4. The hours of operations for the approved use are limited between the hours of 6.30 a.m. – 7 p.m. Monday to Sunday.
5. The site must not be used as a 'sensitive land use' as defined in the *Queensland Planning Provisions* and the *State Planning Policy 5/10: Air, Noise and Hazardous Materials*.
6. The training and recovery facility must not be used as an accommodation building as defined in Maroochy Plan 2000 or a dwelling class 1, 2, 3 or 4 as defined under Part A3 of the Building Code of Australia, Volume 1.

7. Only 1 caretaker's residence may be established on the site at any time. When the stage 2 temporary caretaker's residence is no longer required, its use must revert of storage.

Public Access

8. The 'primary public access area' and associated public facilities nominated on the *Public Access Concepts Plan* prepared by KHA Development Managers (undated) must remain open to the public during business hours.
9. The operator/caretaker of the site is permitted to restrict site access by closing the site access gate outside of business hours as required for security purposes.

Building Height

10. The maximum height of the development must not exceed 2 storeys or 8.5 metres above ground level.
11. Buildings must be on piers and re-locatable such that they can be removed from the site in the event that the lease is not renewed.

Staging

12. Staging must be undertaken in accordance with the conditions of approval and the following table:

| | |
|---------|--|
| Stage 1 | <ul style="list-style-type: none"> • Car park and entry • Connection to Unitywater water and sewerage systems and provision of public toilets • Portable office to serve as temporary clubhouse • Boat ramp and pontoon • Public shelter/viewing platform • Establishment of vegetation buffers • Establishment of perimeter planting to water body bank • Public access |
| Stage 2 | <ul style="list-style-type: none"> • 87m² clubhouse • 252m² storage shed (temporary caretakers residence) • Additional landscaping, amenities and site rehabilitation |
| Stage 3 | <ul style="list-style-type: none"> • 171m² training & recovery facility • 144m² caretakers residence |

13. The applicant must obtain all necessary building approvals for stage 2 within 12 months of this approval taking effect.
14. The applicant must commence construction of stage 2 buildings within 24 months of commencing the use of stage 1.

Sunset Clause for Completion of Approved Development

15. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses if stages 1 and 2 of the approved use have not happened by within 6 years of the approval taking effect.
16. All buildings, except the storage shed, must be elevated on piers and be relocatable, such that they could be relocated from the site in the event that the use ceases.
17. Buildings must be removed from the site, which must be generally restored to its original condition to council's satisfaction in the event that the uses ceases.

URBAN DESIGN**Buildings**

18. Building design, size and location must be in accordance with the approved plans.
19. All buildings must be on piers and be relocatable such that they can be removed from the site in the event that the use ceases.

ENGINEERING**Electricity and Telecommunication Services**

20. An underground connection to reticulated electricity and telecommunication services must be provided in accordance with an approval for Operational Works and the standards and requirements of the relevant service provider.
21. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
22. Certification must be submitted from all relevant service providers which certifies that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Earthworks and Retaining Walls

23. All fill and associated batters must be undertaken in accordance with an Operational Works approval, and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.

Damage to Services and Assets

24. Any damage caused to existing services and assets above or below the ground must be repaired:
 - (a) where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or
 - (b) where otherwise, upon completion of the works associated with the development.Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

TRAFFIC & TRANSPORT**Site Access and Driveways**

25. A sealed access driveway must be provided extending from the roundabout at the intersection of Junction Drive, Lysaght Street and Access Crescent to all parking and manoeuvring areas of Stage 1 of the development (the first 15 car spaces, the service vehicle areas and the associated aisle). The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) a driveway crossover in accordance with IPWEAQ standard drawing SEQ 051,
 - (b) a driveway width of 6 metres within the Junction Drive road reserve, widened where necessary to facilitate service vehicle manoeuvring at the property boundary,
 - (c) any necessary modifications to the existing vehicle crossover,
 - (d) underground service conduits for water supply, electricity and any other services.

Car Parking

26. All vehicles generated by events and activities associated with the proposed use on a weekday (public holidays excluded) must be parked on the subject site. No spillover parking on to public roadways is permitted during these periods.

27. A total of 65 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with the approved plans and an Operational Works approval and must include:
- (a) A sealed surface to all driveways, parking and manoeuvring areas the development, including the first 15 car spaces, the service vehicle areas and the associated aisle, to be complete prior to the commencement of use for stage 1.
 - (b) The provision of space for informal car parking generally in accordance with the approved plans to provide for a minimum of 50 vehicles.
28. The sealing of the balance of the driveway and manoeuvring areas identified on the approved plans, including the driveway for servicing the caretaker's residence, the southern boat ramp and the overflow parking area, can be constructed with a gravel surface as part of their relevant stage.
29. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Service Vehicles

30. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) a SRV space; and
 - (b) a MRV space.

Pedestrian and Bicycle Facilities

31. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) pedestrian pathways in accordance with the approved plans, including between the proposed car parking area and the buildings.
 - (b) clear demarcation of all specific pedestrian routes by pavement marking, signposts or changes in surface materials or levels.
 - (c) signage and lighting at strategic locations to direct people to building entries and public toilet facilities.
32. The path network must be provided in accordance with the approved staging for the development.

HYDRAULICS & WATER QUALITY

Stormwater Drainage

33. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and the Queensland Urban Drainage Manual.

Stormwater Quality Management

34. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and the latest version of the *Water Sensitive Urban Design Technical Design Guidelines for South East Queensland*, and must include in particular:
- (a) Stormwater quality treatment devices including rainwater storage tanks of a size and location must be provided in accordance with those shown in attached plans to the Stormwater Quality Management & Assessment (Empire Engineering Pty Ltd, Integrated Water Management Plan, Job Ref. SC-3116, June 2011) listed in this Decision Notice.
35. Certification must be submitted from a qualified person which certifies that the rainwater collection tank/s and associated reticulation has/have been installed in accordance with the requirements of this Decision Notice.

36. All stormwater quality treatment devices must be maintained in accordance with Water by Design (2012) Maintaining Vegetated Stormwater Assets (Version 1) which is available to download from www.waterbydesign.com.au. The approved Operational Works drawings for the stormwater quality treatment system must be attached as an addendum to this document. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Bioretention Basin Vegetation

37. Landscape plans to be provided with an operational works (landscaping) must include a mixture of at least five (5) of the following species for planting in the bioretention swale surface at a minimum density of 8 plants/m² (higher density is preferred for faster establishment):

Carex appressa
Carex fascicularis
Ficinia nodosa
Juncus usitatis
Lomandra longifolia
Ghania sieberiana

38. Landscape plans to be submitted with Operational Works (landscaping) must include a mixture of following species for planting in the bioretention basin batters at a suitable density and ensuring the species that are taller and/ or have longer denser leaf growth are planted towards the top of the batter (e.g. *Lomandra* and *Ghania*) to minimise shading of the treatment area:

Carex appressa
Carex fascicularis
Ficinia nodosa
Juncus usitatis
Lomandra longifolia
Ghania sieberiana
Banksia robur
Dianella brevipedunculata
Themada triandra
Cymbopogon refractus
Melaleuca thymifolia

39. Trees and shrubs must not be planted in the bio-retention swale treatment area to prevent loss of treatment area, damage to related components (e.g. subsurface drainage) and ongoing maintenance issues unless otherwise directed by a representative of Councils Hydraulics and Water Quality Unit.
40. Permanent educational signage must be erected to educate the customers to the development about the function of the bio-retention device. The dimensions, standard, presentation and location of the educational signage must be in accordance with an Operational Works approval.

Public Health

41. A revised detailed *Lake Risk Management Plan* must be submitted with an application for Operational Works, which demonstrates compliance with the NHMRC's *Guidelines for Managing Risks in Recreational Water (2008)*. It must generally incorporate the recommendations and provisions presented in the *Lake Risk Assessment Management Plan (Future-Plus Environmental, Lake Risk Management Plan, Ref No. 3812, 1 June 2012)* with particular attention to the following requirements:
- (a) Addresses the onsite sewage pumping station, including specific management commitments and measures that in particular address events which warrant immediate attention such as malfunctions and where sewage enters the lake.
- (b) Address the possible impacts of the installation and /or maintenance of any on-water infrastructure on water quality of the lake.

- (c) Provides clarification with respect to the level of baseline sampling and ongoing monitoring, initially for cyanobacteria – algae, with respect to the acknowledged “high to very high risk”, required to reconcile with the Red Level Action Mode.
 - (d) Provides for further monitoring to determine trends with respect to the microbial quality of the lake, including cyanobacteria – algae, as described in the *Lake Risk Assessment/Management Plan*, and provides amendments and/or additional management actions as necessary.
 - (e) Provides a detailed monitoring program with respect to chemical hazards/ pollutants and water quality in general, as acknowledged by the *Lake Risk Assessment/ Management Plan*.
42. The applicant is solely responsible for taking actions to resolve any public health/safety and water quality issues that arise during the life of the development irrespective of whether the issue is caused by either internal or external factors (e.g. spillage associated with an industrial use resulting in degraded stormwater entering the lake or onsite sewage pumping station malfunctioning and causing sewage to enter the lake).

Flood Immunity

43. The minimum floor level of all buildings (including temporary) constructed on the site, including the storage shed, must be 4.2m AHD.
44. The level of all internal pedestrian pathways and the internal access roadway must be raised to a level which will allow them to remain trafficable in a 1 in 100 year ARI flood event.

Rainwater Harvesting

45. Operating rainwater collection tanks must be provided for each building. The tanks must be provided in accordance with policy based on roof area and in accordance with an Operational Works approval.
46. The tanks must be plumbed to internal toilets, the wash down area, any washing facilities and outlets for landscaping use.
47. Certification must be submitted to Council from a qualified person, which certifies that the rainwater collection tanks and associated reticulation have been installed in accordance with the requirements of this Decision Notice.

LANDSCAPE & ECOLOGY

Retention of Existing Trees

48. Existing trees and endemic vegetation on the site must be retained in accordance with *AS 4970 -2009 Protection of Trees on Development Sites* and referenced in a Development Permit for Operational Works.

Land Rehabilitation

49. Prior to stage 2, the subject site must be rehabilitated in accordance with an approved rehabilitation plan including:
- (a) Weed management.
 - (b) Rehabilitation of endemic species to ensure density of desired vegetation to inhibit weed establishment.
50. The works must be undertaken in accordance with an Operational Works approval*(*Refer to Advisory Note*).

Landscaping

51. The applicant must provide a detailed Landscape and Rehabilitation Plan prior to the lodgement of an operational works application.

52. Prior to stage 1, the development site must be landscaped in accordance with an Operational Works approval including:
- (a) establishment of vegetation along the entire water body perimeter (exclusive of the access ramp) using endemic aquatic vegetation to provide erosion protection to the bank
 - (b) establishment of a minimum 5 metre wide vegetated screen along the northern and eastern boundaries, designed such that 95% of the adjacent industrial development/s will be screened within 5 years
 - (c) protection and rehabilitation of all existing vegetation along the eastern boundary.
53. Prior to stage 2, the applicant must provide:
- (a) a minimum of 1 shade tree along the peninsular for every 7 lineal metres
 - (b) a minimum of 2 park shelters including tables and benches (undercover) and 4 park seating on the peninsular.
 - (c) removal of all weeds species listed in the following standards and legislation:
 - (i) declared plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and sub-ordinate Regulation 2003
 - (ii) *Maroochy Pest Management Plan 2006-2010* pest species of significance in Group 1, Group 2 and Group 6 *(Refer to Advisory Note).
 - (d) a publically accessible BBQ located such that it is easily accessible to the public and within the 'primary public access area' nominated on the *Public Access Concepts Plan* prepared by KHA Development Managers.
 - (e) pedestrian connections to spectator points, gathering spaces and surrounds to buildings and facilities identified on the *Public Access Concepts Plan* to Universal Access standards. All pathways and external areas must be designed and constructed to comply with the Disability Discrimination Act (DDA), Access to Premises Standard and relevant sections of AS1428.
54. All landscape works must be maintained generally in accordance with the approved design for the life of the development.

ENVIRONMENTAL HEALTH

Acoustic and Environmental Amenity

55. Noise emanating from the site must not exceed levels identified in the referenced Acoustic Reports.
56. The use of motorised watercraft associated with the approved use on the site must not occur outside the hours of 6.30am to 7pm Monday to Sunday.
57. With the exception of emergency and support watercraft, a maximum of 2 motorised boats described as '*Ski Nautique 196 waterskiing boats*' (or equivalent low wake ski boats approved for use for World Record capable events by the International governing body IWWF) are permitted to operate at the site at any time within the approved hours of operation. In the event that an equivalent boat is to be used, the equivalent boat must have sound power levels less than or equal to the '*Ski Nautique 196 waterskiing boat*' as detailed in the acoustic report referenced in this decision notice.
58. Any boats not owned or operated by the operator/ caretaker must comply with all conditions of approval, including boat specifications, driver training and provision of public liability insurance, and be inspected and approved by the operator/ caretaker.
59. All other motorised boats are prohibited on the lake.
60. The drivers of any boats used at the site must have undertaken prior safety instruction from the site operators/caretakers.
61. No operation or maintenance of boats that involves operation of the engines out of the water is to be carried out on site.

62. The use of a Public Announcement (PA) System associated with the approved use is prohibited.

Outdoor Lighting Devices

63. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 *“Control of the obtrusive effects of outdoor lighting”* using a control level of 1.

Waste Management

64. The applicant must provide strategically located waste bins for public waste disposal within the public access area.
65. Refuse storage, removal and collection facilities must be provided in accordance with the Approved Plans and the following:
- (a) provision of a wash-down area in the vicinity of the permanent waste storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m²
 - (b) Conveniently located waste bins must be provided for waste disposal within the public access area.
66. Boat washing must only be carried out in a hardstand wash-down area which is designed to prevent the ingress of stormwater and is connected to the reticulated sewerage system.

UNITYWATER

67. The applicant must connect to Unitywater reticulated water and sewerage prior to commencement of use for stage 1.
68. Any onsite private sewage pumping station that is required as part of the development must be constructed in a manner that has at least 24 hours of spillage containment in the event of a malfunction and fitted with suitable alarms to alert the relevant personnel to take immediate action to remedy the situation.
69. The fire-fighting demand on Unitywater’s water supply system from the development must not exceed 30 litres per second.
70. A single Unitywater installed primary water meter must be provided immediately inside the property boundary. Additional water meters must be installed for each title of a community title or sub-lease scheme. Meters must be Unitywater approved, installed in accordance with Unitywater requirements and remain accessible at all times for reading and maintenance purposes.
71. Water meters must be located on alternative boundaries to electrical pillars.
72. Buildings and other structures must maintain a minimum clearance of 1.5 metres from Unitywater sewerage infrastructure, and 1.0 metre from sewer manhole chambers and the sewerage inspection opening.
73. A 3.0 metre wide easement must be provided over Unitywater sewerage infrastructure located within the development site.
74. Storm water retention systems and gross pollutant traps must maintain a minimum clearance of 1.5 metres from Unitywater water supply and sewerage infrastructure.
75. The existing Unitywater sewer must be extended to within the boundary of the development site with a sewerage connection point 1.0 metre inside the property boundary, in accordance with Unitywater standards. The development must connect to the Unitywater reticulated sewerage system prior to commencement of use.
76. Written approval to enter and construct must be provided from the property owner of Lot 955 SP193886. This must be submitted with lodgment of the associated development application for Operational Works.
77. Written approval must be provided from Sunshine Coast Regional Council for a 4.0 metre wide water supply easement for a future watermain from the existing watermain at the western end of junction Drive to the north eastern corner of the development

site. This must be submitted with lodgment of the associated development application for Operational Works.

78. Tree plantings must maintain a minimum horizontal clearance of 1.0 metre from Unitywater water mains and 1.5 metres from Unitywater sewerage mains. Landscaping plants within these clearances must be low growing when mature and suitable approved varieties.
79. Construction works undertaken in the vicinity of Unitywater water supply or sewerage infrastructure must not adversely affect the integrity of the infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

| Reason for Referral | Referral Type | Referral Agency | Agency Address |
|--------------------------------------|---------------|---|-----------------------------------|
| Wetlands | Advice | Dept of Environment & Resource Management | GPO Box 2454 BRISBANE QLD 4001 |
| Land Adjoining A Conservation Estate | | | |

6. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

| Plan | Rev. | Plan Name | Date |
|-------|------|--|---------------|
| DA 01 | C | Site Plan prepared by Ashley Camp Design | 10 March 2012 |
| DA 02 | C | Site Plan prepared by Ashley Camp Design | 10 March 2012 |
| DA 03 | C | Site Plan prepared by Ashley Camp Design | 10 March 2012 |
| DA 04 | C | Club House prepared by Ashley Camp Design | 10 March 2012 |
| DA 06 | C | Caretakers Residence prepared by Ashley Camp Design | 10 March 2012 |
| DA 07 | C | Storage Shed prepared by Ashley Camp Design | 10 March 2012 |
| | | Oz Ski Public Access Concepts prepared by KHA Development Managers | |

Plans Requiring Amendments

| | | | |
|------------|---|--|---------------|
| DA 05 | C | Training and Recovery Facility prepared by Ashley Camp Design | 10 March 2012 |
| Amendments | | Amend the plan to delete what appear to be individual bedrooms with bunk beds. The recovery facility can include a bathroom facility and separate recovery, treatment, physio, massage rooms, etc. | |

7. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

| Document No. | Rev. | Document Name | Date |
|-------------------|------|---|-------------|
| Job Ref: SC- 3116 | | Integrated Water Management Plan prepared by Empire engineering | June 2011 |
| Ref: Q8536-01-F01 | 2 | Acoustic Report prepared by Ron Rumble Renzo Toni | 7 June 2011 |
| Q9007-01F02 | 0 | Addendum acoustic report prepared by Ron Rumble Renzo Toni | 2 May 2012 |
| 38121 | | Lake Risk Management Plan (LRMP) – Quanda Water Ski Park, Quanda Lake prepared by future plus environmental | 1 June 2012 |

8. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

PLANNING

Development Compliance Inspection

1. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

Nature and Extent of Approved Development

2. The applicant is advised that this development approval comprises:
 - Material Change of Use for outdoor recreation (water ski park & ancillary caretaker's residence & training & recovery facility) in accordance with the approved plans and conditions of approval.

Resubmission of Amended Plans Required

3. The conditions of this Decision Notice require resubmission of plan/s to Council with amendments. Please address the amended plan/s to Council's Planning Assessment Branch with the Reference No. MCU12/0033. To avoid delays and assessment issues with the Operational Works application, it is recommended the plan/s be resubmitted prior to lodgement of any Operational Works application

Infrastructure Charges

4. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

ENGINEERING**Building and Construction Industry (Portable Long Service Leave) Levy**

5. From 1 January 2000, the Building and Construction Industry (Portable Long Service Leave) Levy must be paid prior to the issue of a development permit where one is required for the 'Building and Construction Industry'. This applies to Building Works, Operational Works and Plumbing and Drainage Works applications, as defined under the *Sustainable Planning Act 2009*, where the works are \$80,000 or more and matching the definition of 'Building and Construction Industry' under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. Should you require clarification in regard to the amendments to the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, you should contact QLeave on 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

6. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme. Additional application fees apply to applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Preparation of a Preliminary Construction Management Plan

7. The works identified in this Decision Notice will be required to be carried out in accordance with a Construction Management Plan endorsed by Council through an approval for Operational Works. To ensure expedient assessment of any Operational Works application, the applicant is advised to submit a preliminary Construction Management Plan that addresses the requirements of the planning scheme. In particular, the preliminary Construction Management Plan should address the following:
- (a) provisions that ensure the proposed construction does not unduly impact on the surrounding area and ensure the site is safe for members of the public, implementing appropriate traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and making provision for safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased.
 - (b) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access across the frontage of the site both during daily construction and after daily construction has ceased
 - (iii) proposed fencing to the site during the construction phase of the development
 - (iv) approval of the Traffic Management Control Plan by the Department of Main Roads (DMR) for any works on State controlled roads
 - (c) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (d) works programme identifying key components of the works and their respective durations
 - (e) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues

- (f) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
- (g) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. **NB** any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense
- (h) it is acknowledged that the Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

HYDRAULICS & WATER QUALITY

Qualified Person

8. For the purpose of preparing a Maintenance Manual for stormwater quality treatment devices, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ).

Bioretention Basin Educational Signage

9. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:

“BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)”.

LANDSCAPE & ECOLOGY

Co-ordination of Operational Works Assessment

10. To assist Council to undertake an integrated assessment of the operational works application, all aspects of the works must be included in one (1) application and be in accordance with Council's planning scheme.

Preparation of a Landscape Plan

11. All landscape works required by this approval must be demonstrated on a detailed Landscape Plan submitted to Council for Operational Works approval. The detailed Landscape Plan must:
- (a) be prepared by a qualified person* and submitted in A3 size (3 x hardcopies)
 - (b) be of a scale suitable for clear interpretation at A3 size
 - (c) include accurate depiction of trees to be retained and protected in relation to the proposed development
 - (d) show all existing and proposed services including overhead power, drainage, water and sewerage
 - (e) include important spot levels and/or contours
 - (f) include contextual information of the site including adjoining roads, land uses and photographs of site
 - (g) show the extent and type of works, including hard surfaces, landscape structures, podium planters, signage, amenity lighting, fencing, edging, plantings and turf
 - (h) include a plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting
 - (i) show landscape works for the full frontage of the development site

- (j) include a north point, scale and legend as well as the name, contact details and qualifications of the landscape consultant who prepared the plan *(Refer to *Advisory Note*).

Preparation of a Rehabilitation Plan

12. All rehabilitation works required by this approval must be demonstrated on a detailed Rehabilitation Plan prepared by a qualified person* and submitted to Council for Operational Works approval. When preparing a Rehabilitation Plan, the applicant is advised to refer to Planning Scheme Policy No. 3 – *Rehabilitation Plans* contained within the Maroochy Plan 2000.
*(Refer to *Advisory Note*)

Qualified Person

13. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 3 years current experience in the field of landscape design.
14. For the purpose of preparing a Rehabilitation Plan, a qualified person is considered to be a landscape architect or ecologist with a minimum of 3 years current experience in the field of landscape design.

UNITYWATER

15. Connection to Unitywater live water mains and the Unitywater live sewer system must be undertaken by Unitywater at the applicants cost.
16. A 150mm diameter watermain is located within the road boundary fronting the development site in Junction drive. Construction works, heavy traffic crossing the main, excessive vibration and excavation close to the main may cause damage to the pipe. Extreme care is required when working close to this infrastructure. All costs associated with repair, replacement or alteration of infrastructure must be met by the applicant.
17. An Operational works application is required for the sewerage extension works. Alternatively Unitywater can complete the works at the applicant's cost.

Equitable Access and Facilities

18. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:
- (a) the *Disability Discrimination Act 1992* (Commonwealth); and
 - (b) *Anti-Discrimination Act 1991* (Queensland).

Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission "Advisory Notes on Access to Premises" and AS 1428.2;
- (b) applicants should be aware that a "Disability Standard on Access to premises" is currently being developed and most likely will impose changes on the Building Code of Australia; and

- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

19. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

9. PROPERTY NOTES

The following property notes will be placed against the subject property in Council’s property record system:

Hydraulics & Water Quality

For MCU12/0033 (outdoor recreation – water ski park) water quality must be continuously monitored and maintained in accordance with the findings and recommendations of the in accordance with the recommendations of the Lake Risk Management Plan (LRMP) as amended. This site is provided with stormwater quality treatment devices which capture and store pollutants from stormwater runoff generated on the site. These devices are required to be routinely checked and serviced/cleaned out as per Water by Design (2012) Maintaining Vegetated Stormwater Assets (Version 1). Records of maintenance activities undertaken are to be kept and made available to Council Officers upon request.

Trade Waste Permit – Unitywater

A Trade Waste Permit from Unitywater must be obtained prior to proceeding with any plumbing or drainage work that involves the sewerage system receiving liquids from any pre-treatment system or discharge to sewer. The applicant should contact a Trade Waste Officer from Unitywater directly with any enquiries.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work (Engineering and Landscaping)

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 337 properly made submissions about the application, of which 319 supported the proposal and 18 objected to it. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. The site, which includes a man made lake, is no longer suitable for extractive industry.
2. The site has been dedicated to council for park or other purposes as determined by council.
3. A water ski park is an appropriate outdoor recreational use for the water body and would separate the existing industrial estate from the Arcoona Road Bushland Conservation reserve located to the west.
4. A water ski park would strengthen council's tourism image and complement similar facilities with the region.
5. The water ski park would be constructed to an international standard and be capable of hosting local, national and international ski events.
6. Sunshine Coast businesses, including accommodation providers, restaurants and retailers, would potentially benefit from increased tourism.
7. The facility, which would be open to the public, would provide additional outdoor recreational opportunities at no cost to council.
8. The facility would accommodate all sectors of the community, including other clubs/associations, youth groups, school groups, seniors and people with disabilities.
9. The lake's water quality would be constantly monitored and maintained, ensuring it environmental sustainability in accordance with the *Lake Risk Management Plan* (LRMP).
10. The impacts of the proposal can be mitigated to an acceptable level.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

16. OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at Council Offices.